

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DAWN BALL,  
Plaintiff**

**v.**

**CAPT. POWLEY, et al.,  
Defendants**

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**No. 1:11-cv-01832**

**(Judge Kane)**

**(Magistrate Judge Carlson)**

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On August 6, 2013, the Court issued an order to Plaintiff Dawn Ball to show cause by August 23, 2013, as to whether a stay of her action was still warranted. (Doc. No. 88.) Prior to the August 6, 2013, order, there had been no activity in the action since September 11, 2012, when Plaintiff filed a motion to stay, unaccompanied by a brief. (Doc. No. 87.) Plaintiff failed to file any supporting documentation in response to the show cause order. On August 30, 2013, Magistrate Judge Carlson deemed Plaintiff's motion to stay withdrawn and dismissed, due to her failure to provide a supporting brief explaining her entitlement to relief as required by the Local Rules. (Doc. No. 92.)

On October 8, 2013, Magistrate Judge Carlson issued a Report and Recommendation (Doc. No. 93) recommending that this court dismiss with prejudice Plaintiff's complaint (Doc. No. 1) for failure to prosecute pursuant to Federal Rules of Civil Procedure Rule 41(b). (Doc. No. 93 at 5.) Plaintiff filed timely objections to the Report and Recommendation. (Doc. No. 94.) Defendants then filed a brief in opposition to Plaintiff's objections, and in support of Judge Carlson's recommendations. (Doc. No. 95.) Plaintiff filed a letter in response to Defendants' reply brief, which the Court will construe as a brief in support of her objections. (Doc. No. 96.)

Plaintiff's objections fail to address the legal issues presented in Magistrate Judge Carlson's Report and Recommendation. Rather, the objections consist almost exclusively of complaints regarding the conduct of prison staff and Magistrate Judge Carlson, and offer only conclusory statements in response to the substance of Judge Carlson's Report and Recommendation. Upon a review of the record and the applicable law, the Court detects no error in Magistrate Judge Carlson's findings, and accordingly the Court will adopt Judge Carlson's recommendation that Plaintiff's complaint be dismissed pursuant to Federal Rules of Civil Procedure Rule 41(b) for failure to prosecute. (See Doc. No. 93.)

**AND NOW**, on this 2<sup>nd</sup> day of December 2013, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Carlson's Report and Recommendation of October 8, 2013, (Doc. No. 93) is **ADOPTED**;
2. Plaintiff's objections (Doc. No. 94) are **OVERRULED**;
3. Plaintiff's complaint (Doc. No. 1) is **DISMISSED** for failure to prosecute; and
4. The Clerk of Court is instructed to close the case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania